

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF PROHIBITING)	ADMINISTRATIVE ORDER
<u>ARAYA WOLDE GIORGIS</u> FROM FILING)	NO. 2014-011
ANY LAWSUIT IN MARICOPA COUNTY)	
WITHOUT OBTAINING PRIOR)	
PERMISSION FROM THE COURT)	
_____)	

This request to declare Araya Wolde Giorgis a vexatious litigant was referred to this division by the Honorable Douglas Rayes. Upon review of other matters filed in this Court, and considering all the matters presented, the Court makes the following findings and orders.

Courts “possess inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits.” *Madison v. Groseth*, 230 Ariz. 8, 15, 279 P.3d 633, 639 (App. 2012). The filing excesses of vexatious litigants interfere with the orderly administration of justice by diverting judicial resources from those cases filed by litigants willing to follow court rules and those meritorious cases that deserve prompt judicial attention. See *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997). Filing abuses are normally controlled by rules of professional responsibility applicable to attorneys and by imposition of attorney fees or other monetary sanctions. Unfortunately, these tools are ineffective when dealing with a self-represented litigant.

Some courts *sua sponte* dismiss frivolous lawsuits. During the past decade, this Court has declined to do so. Rather, on rare occasions, the Court has issued orders prohibiting litigants who have proven themselves to be vexatious from pursuing additional litigation without prior leave of the Court’s Presiding Judge or his/her designee. In this context, in keeping with *Franklin v. Oregon State Welfare Division*, 662 F. 2d 1337 (9th Cir. 1981), the Court always notifies the litigant of the proposed action and gives him an opportunity to submit argument in opposition.

A review of the filings by Mr. Giorgis reveals that he has filed 25 civil cases in the last five years. Mr. Giorgis filed nine civil actions in the last four months of 2013. Mr. Giorgis filed 6 cases in 2012. In addition, Mr. Giorgis filed 9 civil suits prior to 2009. Mr. Giorgis has been the plaintiff in each of these cases.

The complaints filed by Mr. Giorgis are incoherent and lack the facts necessary to put the defendant(s) on notice of the alleged caused of action. The complaints list a group of defendants who do not appear to be related in any way except that Mr. Giorgis alleges they harmed him or someone he purports to represent. His cases are frequently dismissed for lack of service or failure to state a claim. Further, Mr. Giorgis frequently

files multiple motions for reconsideration and premature appeals, and frequently obtains fee deferrals.

Below is a summary of some of the cases filed by Mr. Giorgis in recent years:

- Multiple civil actions filed against over 40 defendants ranging from a grocery store that allegedly engaged in discrimination to an auto insurer that allegedly failed to cover an injury. Other defendants include individuals who Mr. Giorgis alleges conspired with each other in order to falsely accuse Mr. Giorgis of attempting to rape another individual, and an auto parts store Mr. Giorgis alleges sold him a defective reservoir tank. (CV2013-012360; CV2012-012880; CV2013-012360).
- Multiple civil actions filed against over 40 defendants ranging from a law firm who Mr. Giorgis alleges bribed judges to dismiss Mr. Giorgis' case to a doctor who refused to provide medical treatment. CV2012-002138; CV2012-012880; CV2012-012833).
- Multiple civil actions filed against over 20 defendants including a high school for insulting a student who refused to take a test. (CV2012-013899; CV2013-009779; CV2012-001975).
- Multiple civil actions against the same defendants using the same or similar allegations. Allegations contain only conclusory statements, do not identify a cause of action or factual basis for a claim, and are reused in multiple lawsuits against defendants. (CV2013-012360; CV2012-012880; CV2013-012360; CV2012-002138).
- A civil action in which Mr. Giorgis names as defendants "Pep Boys, Manny, Moe and Jack, of California" who Mr. Giorgis alleges "failed to fix my car, the way it should be fixed." In that same lawsuit Mr. Giorgis, who is not to the Court's knowledge licensed to practice law, indicates he represents another individual who was allegedly bumped from a commercial flight. (CV2013-009875).

Based on a review of all the cases filed by Mr. Giorgis, the Court finds Mr. Giorgis to be a vexatious litigant.

The Court may issue an order limiting such a litigant's ability to file future lawsuits, motions, and requests for relief to the extent necessary to curtail the improper conduct. The Court finds the orders set out below to be the least restrictive orders that will adequately address Mr. Giorgis's established pattern of abuse.

Given all of the circumstances, IT IS ORDERED as follows:

1. Mr. Giorgis may not file any new causes of action after the date of this order without leave of the Civil Presiding Judge or his/her designee.
2. Mr. Giorgis may not file any new pleading, motion, or any other document in any non-criminal case in which judgment concluding the case has been entered without leave of the Civil Presiding Judge or his/her designee.¹

Any motion for leave to file shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Giorgis must either cite this order in his application, or attach as an exhibit a copy of this order.

If approval for filing a new action is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Giorgis.

Dated this 7th day of February, 2014.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of Superior Court
Hon. Janet Barton, Associate Presiding Judge
Hon. John Rea, Civil Presiding Judge
Hon. Douglas Rayes, Assigned Judge, CV2012-012833
Hon. Sally Duncan, Assigned Judge, CV2013-009875
Raymond L. Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Peter Kiefer, Civil Court Administrator
Araya Wolde Giorgis

¹ Mr. Giorgis is not required to seek leave of Court before filing a "Notice of Appeal".